

**Lincoln, Nebraska  
February 18, 2011**

**COMMUNITY CORRECTIONS COUNCIL  
*MEETING MINUTES***

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The Community Corrections Council (Council) met Friday, Friday, February 18, 2011, at Bryan LGH College of Health Sciences, Room 202, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance publicized notice in the Lincoln Journal Star.

**Members present:**

Scot Adams, Chair  
Mike Behm  
Brenda Council  
Jeff Davis  
Eleanor Devlin  
Thomas Dorwart  
Ellen Fabian Brokofsky  
Darrell Fisher  
Cathy Gibson-Beltz  
Robert Houston  
John P. Icenogle, Vice-Chair  
Dallas Massey  
Travis Parker

**Members absent:**

Esther Casmer  
Karen Flowers  
Robert Lindemeier  
Frank Peak  
Pete Pirsch  
Janice Walker

**Council Staff present:**

Tia Bachman  
Jeff Beaty  
Mike Dunkle  
Linda Krutz

**Others present:**

Jacki Allensworth  
Eric Asboe  
Bruce Ayers  
Amy Birky  
John Krejci  
Kyle Poppert  
LaMont Rainey  
Marge Schlitt  
Dave Sinnott  
Dave Wegner

## **CALL TO ORDER, WELCOME, & OVERVIEW**

Scot Adams, Director, Division of Behavioral Health (DBH), Department of Health and Human Services (DHHS) and Chair, called the Council meeting to order at 9:06 a.m., announced the meeting is subject to the Open Meetings Act and gave an overview of the meeting. Attendance is indicated above.

## **APPROVAL OF MINUTES**

*A motion was made by Dallas Massey and seconded by Travis Parker to approve the November 5, 2010 meeting minutes as presented. The motion passed by acclamation.*

## **LEGISLATIVE UPDATE**

Jeff Beaty, Policy Analyst, Council, gave an update on the Legislative Bills (LB) affecting the Council.

LB 133, introduced by Senator Brad Ashford, will require the Office of Probation Administration (Probation) to include sentencing costs in presentence investigation reports. The bill is currently held in committee.

LB 191, introduced by Senator Brenda Council, increases the amount of good time earned by inmates within the Department of Correctional Services (DCS) who demonstrate good behavior for 12 consecutive months. The bill is currently held in committee.

LB 201, introduced by Senator Council, increases the one-time probation enrollment fee from \$30 to \$55. The monthly supervision fee also increases from \$25 to \$50 for individuals placed on traditional probation and from \$35 to \$60 for intensive supervised probation. The bill is currently held in committee.

LB 450, introduced by Senator Ashford, extends the Nebraska Supreme Courts' authority to utilize the Probation Program Cash Fund until 2013 to ensure the functioning of the courts. The bill is awaiting hearing.

LB 390, introduced by Senator Ashford, changes provisions relating to jails and corrections and creates the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice (NCC). The bill is currently held in committee. Discussion on LB 390 will be held at the end of the meeting to allow ample opportunity for discussion.

## **GRANT SUPPORT REVIEW COMMITTEE**

Linda Krutz, Executive Director, Council, said changes were made to the Grant Support Review Committee Process as requested.

*A motion was made by John Icenogle and seconded by Thomas Dorwart to amend the Grant Support Review Committee Guidelines, Procedure #2, sentence two, to read: Requests that do not contain the required information shall be returned to the submitting party, who shall be given the opportunity to submit a new request within 14 days in advance of the date in which the letter of support is needed. Roll call was conducted and the motion passed unanimously.*

*A motion was made by Travis Parker and seconded by Cathy Gibson-Beltz to remove 'and/or' from the Grant Support Review Committee Guidelines and replace it with 'or'. Roll call was conducted and the motion passed unanimously.*

*A motion was made by Mike Behm and seconded by Darrell Fisher to approve the revised Grant Support Review Committee Guidelines. Roll call was conducted and the motion passed unanimously.*

## **EVALUATION & RESEARCH STEERING COMMITTEE**

Mike Dunkle, Systems Analyst, NCC, gave an update on the Evaluation and Research Steering Committee and presented the *Key Measurable Outcomes for Nebraska Community Corrections Programs*.

Changes made to the Executive Summary of Recommendations include a change to 7) Documented changes in criminogenic needs can be used as program-specific key outcome measures; to read, Documented changes in criminogenic needs and risk factors can be used as program-specific key outcome measures. Members suggested the creation of item 12) Evaluation studies should clearly identify relevant contextual variables.

*A motion was made by Cathy Gibson-Beltz and seconded by Dallas Massey to create Key Measure Outcomes for Nebraska Community Corrections Program, Executive Summary of Recommendations, item 12) Evaluation studies should clearly identify relevant contextual variables. Roll call was conducted and the motion passed unanimously.*

Dunkle said the Specialized Substance Abuse Supervision (SSAS) program is now ready to be evaluated because enough participants have graduated. An estimated cost of the SSAS evaluation is \$80,000 - \$200,000. Reporting Centers (RC) are ready to be qualitatively evaluated as quantitative data is lacking. An estimated cost to evaluate the RC is \$40,000 - \$70,000. The Fee for Service Voucher program is also ready to be evaluated with an estimated cost of \$20,000 for outside consulting work.

A 10 minute break was called by Adams.

The Council reconvened at 10:51 a.m.

## **JUSTICE BEHAVIORAL HEALTH COMMITTEE UPDATE**

Linda Wittmuss, Associate Regional Administrator, Region V Systems, discussed the minutes from the December 8, 2010 Justice Behavioral Health Committee (JBHC) meeting and reminded members that information on JBHC is also included on the Council website.

Wittmuss then discussed the *Performance Rubrics for Addiction and Criminal Justice Professionals* (Rubrics). Agencies would be able to use the Rubrics to assist with supervision or setting standards. A final version of the Rubrics will be presented for approval at a later Council meeting. The next steps after approval are to identify professionals in prevention, treatment, and justice who could provide the specified training. Adams said the Rubrics could assist DBH in planning training for behavioral health providers and could also assist colleges and universities in training professionals.

The next JBHC meeting will be held at Bryan LGH College of Health Sciences, Room 200, on Wednesday, March 9, 2011.

## **COMMUNITY CORRECTIONS PROGRAMS REPORT**

Dunkle noted the *Target Population Report* is not available due a coding error when data was transferred to Nebraska Probation Application for Community Safety (NPACS) which caused an inaccurate count of Felony Drug Offenders. The *Problem Solving Court Report* is also unavailable due to a lack of reporting function that is still being developed in the Problem Solving Court Management Information System (PSCMIS).

Dunkle then presented the *Specialized Substance Abuse Supervision Year-End Report, December 2010*. SSAS admissions for December 2010 consisted of 82 percent probation clients and 18 percent parole clients. SSAS is currently operating at 100 percent capacity. The program peaked in January 2009 with 362 participants and declined by about 9 percent over the course of 2010.

## **COMMUNITY CORRECTIONS COUNCIL FINANCIAL REPORT**

Bruce Ayers, Budget/Accounting Division Chief, NCC, presented the *Community Corrections Council Financial Report*. The Council has \$424,727.48 of unobligated General Fund reappropriation and \$135,415.16 of unobligated Uniform Data Analysis Cash Fund (UDF) which will lapse on June 30, 2011.

As of January 31, 2011, the Probation Program Cash Fund had a balance of \$6,390,935, the Parole Cash Fund had a balance of \$898,323, and UDF had a balance of \$1,036,778. Revenue from the Cash Funds from July to January 2011 was similar to the revenue from the same time period in fiscal year (FY) 09-10. The Governor's proposed General Fund Program appropriation has been decreased by 10 percent for FY 11-12 and FY 12-13, while the Appropriations Committees recommendation has stayed the same.

Icenogle suggested Council staff propose a way to spend the remainder of allocated funds in UDF by June 30, 2011. Council staff should obtain bids on at least one of the programs ready for evaluation. Krutz will contact Probation, Parole, and PSC to determine if there is a need for the funds and formulate a plan for the process of program evaluation by the March 18, 2011 Council meeting.

## **ADMINISTRATIVE OPERATIONS POLICY**

The final version of the Administrative Operations Policy was presented to the Council.

## **LEGISLATIVE BILL 390**

Krutz discussed the intent of LB 390 is to do away with the body of the Council. Council staff would remain to carry on the work of the Council as a division of NCC. Governor Heineman recognized the Council as having developed a strategy for community corrections and raising awareness of community corrections issues in Nebraska.

Senator Council noted some of the underlying issues and the long standing concern that the Council has legislative, judicial, and executive branch representation, and whether or not the Council should only be an executive branch agency. Legislative and judicial representatives do not vote and are present to provide input and take information back. The Council has served to set policy, and the course and direction of community corrections. The passage of LB 390 would create the loss of the broader based involvement, create confusion on who should provide policy guidance, and the established collaboration will cease to exist.

Krutz said the cost savings of LB 390, as it pertains to the Council, is the cost associated with Council meetings which averaged \$10-12,000 per year and can cost up to \$20,000 if all members were to attend every meeting. Jeff Davis, Sarpy County Sheriff, said the Council has saved the state \$121 million so far by not having to build another prison. For a cost of \$20,000, LB 390 would create the loss of law enforcement involvement and capacity to share information with other law enforcement officials, which is a key component statewide.

Icenogle said that before the Council was created, the three branches of government lacked cooperation and did not have ongoing discussion concerning community corrections. The creation of the task force, and eventually the Council, brought all the various branches of government, providers and citizens together to address the prison overcrowding problem. There was a concerted effort to try and limit the power of any one branch of government. Currently, legislative and judicial branch representatives can participate because it is statutorily mandated. This collaboration would no longer exist if the Council becomes a sole entity of the executive branch.

Icenogle further said the Council has formed mental health and substance abuse subcommittees to work out programs and protocols. UDF was used to update computer technology for Probation, Parole, and PSC. Through the work of the Council money was spent to collect data so programs could be evaluated which had not been done before in any branch of government. Ellen Fabian Brokofsky, Probation Administrator, said UDF allowed probation to

build an infrastructure around the 20,000 probationers supervised and a records management system. Bob Houston, Director, DCS, noted the successes that have been achieved in DCS with the help of the Council.

**PUBLIC COMMENT**

John Krejci, Emeritus Professor of Sociology and Social Work, and writer for the Nebraska Criminal Justice Review, voiced his support for the Council and his concern that the collaboration will be lost if LB 390 passes.

**ADJOURNMENT**

At 12:07 p.m. the meeting adjourned.

The next scheduled meeting is Friday, March 18, 2011, at Bryan LGH College of Health Sciences, Lincoln, NE. The meeting will begin at 9:00 a.m.

Respectfully submitted,

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Tia M. Bachman  
Administrative Assistant